

FILED
Clerk
District Court

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

FEB 15 2006

For The Northern Mariana Islands

*****By*****

(Deputy Clerk)

CR- 03-000002

February 15, 2006

9:30 a.m.

UNITED STATES OF AMERICA -v- WANG, Yang aka "Mafia"

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Official Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
TIMOTHY MORAN, Assistant U. S. Attorney
ANTHONY LONG, Counsel for Defendant
WANG, YANG, Defendant

PROCEEDING: RE-SENTENCING

Defendant was present with his court appointed counsel, Attorney Anthony Long. Government by Timothy Moran, AUSA. Also present was U.S. Probation Officer, Melinda Brunson and Margarita Wonenberg.

Lisa Demoux was sworn as interpreter/translator of the Mandarin language.

Defendant was sworn and examined as to his understanding of his constitutional rights and his understanding of the proceedings.

The defendant was named in a two count indictment filed in the United States District Court of the Northern Mariana Islands on February 5, 2003. The indictment charged that on or about December 12, 2002 and December 30, 2002 that the defendant committed the offenses of distribution and possession with intent to distribute a controlled substance. The Defendant, without a plea agreement, entered a guilty plea to the two charges on February 20, 2003. Defendant was sentenced on May 27, 2003. The Ninth Circuit remanded the sentence for further proceedings.

Counsel argued the matter of a 2 point enhancement (for the possession of a firearm) to the calculate the total offense level.

No objection by the government or defense of the **amended** presentence report.

Attorney Long argued for the removal of the two-point enhancement for possession of the firearm. Government requested that the application of the two point enhancement remain.

Court, after hearing all argument, ORDERED that the two-point enhancement was appropriate.

Court adopted the **amended** presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The

probation officer's recommendation shall also be placed under seal. No objection by the parties other than previously stated in their arguments.

Government moved for a 5K1.1 departure to a guideline **level 23** and a **46 months** sentence at the low end of the guidelines. Defense moved for a sentence of **36 months** and requested to put on evidence to support that request.

Court recessed at 10:00 a.m. and reconvened at 10:05 a.m.

Defense called witness:

JIANG, Li Xia. DX. CX.

WANG, Yang. (Defendant). DX. CX.

Defense offered **Exhibits A** and **B** into evidence; no objection by the Government, Court so received.

Court, after hearing argument and testimony, GRANTED the motion for a 5k1.1 departure.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **WANG, YANG** is hereby sentenced to a term of imprisonment of **41 months** for each count and the terms will run concurrently.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years for each count, the terms shall run concurrently. The terms of supervised release will include the following conditions:

1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. §3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. §1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States and shall not re-enter without the permission of the U.S. Attorney General. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release;

2. The defendant shall obey all federal, state and local laws;

3. The defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Probation Office;

4. The defendant shall not possess a firearm or other dangerous weapon or have such at his residence;

5. The defendant shall not use or possess illegal controlled substances;

6. The defendant shall refrain from the use of any and all alcoholic beverages;

7. The defendant shall submit to one urinalysis test within 15 days of release from custody and at least two periodic tests thereafter, not to exceed eight tests per month, as directed by the U.S. Probation Officer;

8. The defendant shall be assess for substance or alcohol abuse. If it is determined that he is in need of treatment, he shall participate in a substance abuse program approved by the U.S. Probation Office for the treatment of narcotic addiction or drug or alcohol dependency, which will include testing for the detection of substance abuse. The defendant shall also make a payment for treatment at a rate to be determined by the U.S. Probation Office;

9. The defendant shall obtain and maintain gainful employment; and

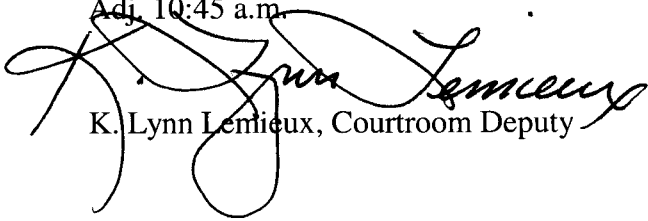
10. The defendant shall perform 400 hours of community service under the direction of the U.S. Probation Office.

Court ordered that the defendant pay a \$200.00 assessment fee. Defense stated that the assessment fee had already been paid. All fines were waived.

No objection to the sentence by the attorneys. Defendant was advised of his right to appeal the sentence; if he or his attorney feel that there is a reason to appeal they must do so within 10 days. Further, the defendant was advised of his right to an attorney for appeal.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. 10:45 a.m.


K. Lynn Lemieux, Courtroom Deputy

COPY of
Original Filed
on this date

MAY - 3 2004

Clerk
District Court
for The Northern Mariana Islands

Kia.FIN

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Agana, Guam 96910
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Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONE 1998 KIA AUTOMOBILE,
MODEL SEPHIA,
VIN KNAFB1219W5740266,

Defendant.

CIVIL CASE NO. 03-0020

FINAL ORDER OF FORFEITURE

WHEREAS, on February 13, 2004, this Court entered a Preliminary Order of Forfeiture forfeiting the defendant One 1998 Kia Automobile, Model Sephia, VIN KNAFB1219W5740266 to the United States of America;

AND WHEREAS, on March 12, 2004, March 19, 2004 and March 26, 2004, the United States published in a newspaper of general circulation, notice of this forfeiture and of the intent of the United States to dispose said property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property;

AND WHEREAS, the Court has been advised that no such petitions have been filed.

Accordingly, it is hereby **ORDERED, ADJUDGED and DECREED** that the United



1 States Marshal shall forthwith seize the forfeited property and dispose of it in accordance with
2 the law;

3 It is further **ORDERED, ADJUDGED and DECREED:**

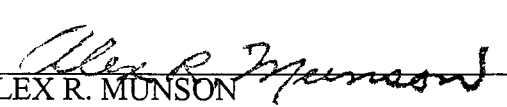
4 That pursuant to Title 21, United States Code, Section 853(n), that the right, title and
5 interest to all of the hereinafter described property is hereby condemned, forfeited and vested in
6 the United States of America, and shall be disposed of according to law:

7 **a) One 1998 Kia Automobile, Model Sephia, VIN KNAFB1219W5740266.**

8 That any and all forfeited funds, including but not limited to currency, currency
9 equivalents and certificates of deposit, as well as any income derived as a result of the United
10 States Marshals management of any property forfeited herein, and the proceeds from the sale of
11 any forfeited property, after the payment of costs and expenses incurred in connection with the
12 forfeiture, sale and disposition of the forfeited property, shall be deposited forthwith by the
13 United States Marshal Service into the Department of Justice Asset Forfeiture Fund in
14 accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code,
15 Section 881(e).

16 The Clerk is hereby directed to send copies of this Order to all counsels of record and
17 three certified copies to the United States Marshal Service.

18 DATED this 3rd day of ^{May}~~April~~, 2004.

19
20 
21 ALEX R. MUNSON
Judge

22 Presented by:

23 LEONARDO M. RAPADAS
24 United States Attorney
Districts of Guam and the NMI

25 By: 

26 KARON V. JOHNSON
27 Assistant U.S. Attorney
28

FILED
Clerk
District Court

MAY -3 2004

For The Northern Mariana Islands
By _____
(Deputy Clerk)

FAX IN

05/03/04
James

1 \$8600.FIN
2 LEONARDO M. RAPADAS
3 United States Attorney
4 KARON V. JOHNSON
5 Assistant U.S. Attorney
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11 Attorneys for United States of America

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN MARIANA ISLANDS**

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 vs.

14 \$8,600.00 UNITED STATES CURRENCY,
15 Defendant.

CIVIL CASE NO. 03-0019

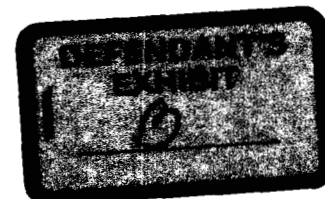
FINAL ORDER OF FORFEITURE

16
17 **WHEREAS**, on February 13, 2004, this Court entered a Preliminary Order of Forfeiture
18 forfeiting the defendant \$8,600.00 United States Currency to the United States of America;

19 **AND WHEREAS**, on March 12, 2004, March 19, 2004 and March 26, 2004, the United
20 States published in a newspaper of general circulation, notice of this forfeiture and of the intent
21 of the United States to dispose said property in accordance with the law and further notifying all
22 third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate
23 the validity of their alleged legal interest in the property;

24 **AND WHEREAS**, the Court has been advised that no such petitions have been filed.

25 Accordingly, it is hereby **ORDERED, ADJUDGED and DECREED** that the United
26 States Marshal shall forthwith seize the forfeited property and dispose of it in accordance with
27 the law;
28



ORIGINAL

1 It is further **ORDERED, ADJUDGED and DECREED:**

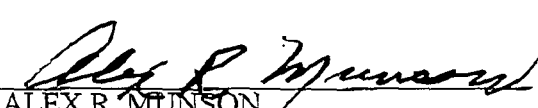
2 That pursuant to Title 21, United States Code, Section 853(n), that the right, title and
3 interest to all of the hereinafter described property is hereby condemned, forfeited and vested in
4 the United States of America, and shall be disposed of according to law:

5 **a) Eight Thousand Six Hundred Dollars (\$8,600.00) United States Currency.**

6 That any and all forfeited funds, including but not limited to currency, currency
7 equivalents and certificates of deposit, as well as any income derived as a result of the United
8 States Marshals management of any property forfeited herein, and the proceeds from the sale of
9 any forfeited property, after the payment of costs and expenses incurred in connection with the
10 forfeiture, sale and disposition of the forfeited property, shall be deposited forthwith by the
11 United States Marshal Service into the Department of Justice Asset Forfeiture Fund in
12 accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code,
13 Section 881(e).

14 The Clerk is hereby directed to send copies of this Order to all counsels of record and
15 three certified copies to the United States Marshal Service.

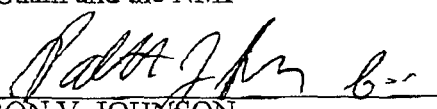
16 DATED this 3RD day of MAY, 2004.

17
18 
19 ALEX R. MUNSON
Judge

20 Presented by:

21 LEONARDO M. RAPADAS
22 United States Attorney
Districts of Guam and the NMI

23 By:

24 
KARON V. JOHNSON
25 Assistant U.S. Attorney
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27
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For The Northern Mariana Islands
By _____
(Deputy Clerk)

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[Signature]

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7 Attorneys for United States of America

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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN MARIANA ISLANDS**

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 vs.

14 ONE 1998 KIA AUTOMOBILE,
15 MODEL SEPHIA,
VIN KNAFB1219W5740266,
16 Defendant.

CIVIL CASE NO. 03-0020

FINAL ORDER OF FORFEITURE

17 **WHEREAS**, on February 13, 2004, this Court entered a Preliminary Order of Forfeiture
18 forfeiting the defendant One 1998 Kia Automobile, Model Sephia, VIN KNAFB1219W5740266
19 to the United States of America;

20 **AND WHEREAS**, on March 12, 2004, March 19, 2004 and March 26, 2004, the United
21 States published in a newspaper of general circulation, notice of this forfeiture and of the intent
22 of the United States to dispose said property in accordance with the law and further notifying all
23 third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate
24 the validity of their alleged legal interest in the property;

25 **AND WHEREAS**, the Court has been advised that no such petitions have been filed.

26 Accordingly, it is hereby **ORDERED, ADJUDGED and DECREED** that the United
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1 States Marshal shall forthwith seize the forfeited property and dispose of it in accordance with
2 the law;

3 It is further **ORDERED, ADJUDGED and DECREED:**

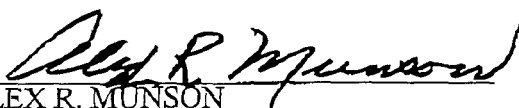
4 That pursuant to Title 21, United States Code, Section 853(n), that the right, title and
5 interest to all of the hereinafter described property is hereby condemned, forfeited and vested in
6 the United States of America, and shall be disposed of according to law:

7 a) **One 1998 Kia Automobile, Model Sephia, VIN KNAFB1219W5740266.**

8 That any and all forfeited funds, including but not limited to currency, currency
9 equivalents and certificates of deposit, as well as any income derived as a result of the United
10 States Marshals management of any property forfeited herein, and the proceeds from the sale of
11 any forfeited property, after the payment of costs and expenses incurred in connection with the
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15 Section 881(e).

16 The Clerk is hereby directed to send copies of this Order to all counsels of record and
17 three certified copies to the United States Marshal Service.

18 DATED this 3RD day of MAY, 2004.

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21 ALEX R. MUNSON
Judge

22 Presented by:

23 LEONARDO M. RAPADAS
24 United States Attorney
Districts of Guam and the NMI

25 By: 

26 KARON V. JOHNSON
27 Assistant U.S. Attorney
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